

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAMES BARSTAD, )  
Plaintiff, ) CASE NO. C14-0523-RSL-MAT  
v. )  
EARL X. WRIGHT, et al., ) ORDER RE: PENDING MOTIONS  
Defendants. )

Plaintiff James Barstad proceeds *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed a Motion for Permission to File an Over-Length Brief (Dkt. 25) and defendants filed a Motion for Extension of Time to File Dispositive Motion (Dkt. 27). Now, having considered the pending motions, the Court finds and rules as follows:

(1) Plaintiff seeks permission to file an over-length brief. (Dkt. 25.) He specifically, seeks to file a twenty-six page “Opening Brief and Memorandum.” (Dkt. 25-1.) However, while the request to exceed the page limitation appears reasonable, the type of document plaintiff seeks to file is unclear. As observed by defendants (*see* Dkt. 26), the proposed brief and memorandum does not appear to constitute a motion for summary judgment

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01 and, instead, appears to be a preemptive response to a dispositive motion not yet filed by  
02 defendants. To the extent petitioner is preemptively responding, the document is not a filing  
03 contemplated by the civil rules of procedure and is otherwise premature. Accordingly,  
04 plaintiff is directed to file a notice, **on or before October 28, 2014**, advising the Court of his  
05 intention with respect to his proposed Opening Brief and Memorandum, and his motion to file  
06 an over-length brief (Dkt. 25) is herein RENOTED for consideration as of that same date. If  
07 plaintiff intends the document as a motion for summary judgment, he should clearly state as  
08 such in the notice and request that the motion be noted for consideration by the Court. If  
09 plaintiff intends the document as a preemptive response to a future dispositive motion, the  
10 motion to file an over-length brief will be denied, and plaintiff will have the opportunity to  
11 re-file the brief and memorandum, or a revised document, to any dispositive motion filed by  
12 defendants.

13 (2) Defendants seek a thirty-day extension of time to file dispositive motions given  
14 the ongoing unavailability of two named defendants in this case. Plaintiff does not object to  
15 this request. (Dkt. 28.) Finding the requested extension reasonable, defendants' Motion for  
16 Extension of Time to File Dispositive Motion (Dkt. 27) is GRANTED. The dispositive  
17 motion deadline in this matter is herein extended to **October 28, 2014**.

18 (3) The Clerk is directed to send a copy of this Order to plaintiff, counsel for  
19 defendants, and to Judge Lasnik.

20 DATED this 6th day of October, 2014.

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Mary Alice Theiler  
Chief United States Magistrate Judge